

HOUSE BILL NO. 30

INTRODUCED BY D. HURWITZ

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

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5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO  
6 PERMIT THE INSTALLATION OF ELECTRONIC COMMUNICATION EQUIPMENT AND ELECTRONIC  
7 INFORMATIONAL KIOSKS ON A HIGHWAY RIGHT-OF-WAY, INCLUDING A CONTROLLED-ACCESS  
8 FACILITY; ALLOWING THE DEPARTMENT TO SET TERMS AND CONDITIONS FOR THE EQUIPMENT OR  
9 KIOSKS; ALLOWING A FEE AND PROVIDING FOR THE DEPOSIT OF THE FEE; AND AMENDING SECTION  
10 60-5-110, MCA."  
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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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14 **Section 1.** Section 60-5-110, MCA, is amended to read:

15 **"60-5-110. Commercial enterprise or structure prohibited -- exception.** (1) Except as provided in  
16 60-5-505 and subsection (2) of this section, no a commercial enterprise or structure shall may not be constructed  
17 or operated on the publicly owned or leased right-of-way of a controlled-access highway or controlled-access  
18 facility or on any publicly leased land used in connection therewith.

19 (2) The department may, under the terms and conditions that it considers appropriate, install or allow  
20 others to install electronic communication equipment or electronic informational kiosks on the right-of-way of  
21 any state highway, including a controlled-access facility. The department may charge a fee for the use of the  
22 equipment or kiosk. The fees must be deposited in the nonrestricted highway state special revenue account  
23 to be used for highway purposes."

24 - END -